

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0313

HOUSE BILL NO. 1038

Introduced by: The Committee on Transportation at the request of the Department of
Commerce and Regulation

1 FOR AN ACT ENTITLED, An Act to update certain provisions pertaining to motor carrier
2 safety and transportation of hazardous materials.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 49-28A-3 be amended to read as follows:

5 49-28A-3. The state hereby adopts Title 49 of the Code of Federal Regulations, subtitle B,
6 chapter I, subchapter C, parts 171 to 180, inclusive, as amended through January 1, ~~1998~~ 2001,
7 and Title 49 of the Code of Federal Regulations, subtitle B, chapter III, subchapter B, parts 390
8 to 397, inclusive, as amended through January 1, ~~1998~~ 2001, with the following modifications:

9 (1) All references to interstate operations shall also include intrastate operations except
10 that drivers and motor carriers operating intrastate vehicles and combinations of
11 vehicles with three axles or less or with a gross vehicle weight rating of not more than
12 twenty-six thousand pounds which are not used to transport hazardous materials
13 requiring placarding under part 177, or designed to transport more than fifteen
14 passengers, including the driver, are not subject to parts 390-397;

15 (2) For the purposes of part 391.11(b)(1), a driver shall be at least twenty-one years old

1 if engaged in interstate commerce, or transporting hazardous material of a type or
2 quantity requiring placarding under part 177, or operating a vehicle designed to
3 transport more than fifteen passengers, including the driver. All other drivers shall be
4 at least sixteen years of age;

5 (3) Intrastate drivers are exempt from the physical requirements of part 391.41.

6 Any violation of parts 390 to 396, inclusive, the motor carrier safety requirements governing
7 the qualifications of drivers, driving of motor vehicles, parts and accessories necessary for safe
8 operation, notification and reporting of accidents, assistance with investigations and special
9 studies, hours of service of drivers, inspection, repair and maintenance is a Class 2 misdemeanor.

10 Any violation of the hazardous materials regulations pertaining to general information,
11 regulations and definitions, hazardous materials tables, hazardous materials communication
12 regulations, and test and inspection marking requirements found in parts 171, 172, and 178 to
13 180, inclusive, is a Class 2 misdemeanor. Any violation of the hazardous materials regulations
14 pertaining to packaging, prohibited shipments, loading and unloading, segregation and
15 separation, retesting and inspection of cargo tanks, and other carriage by regulations found in
16 parts 173 to 180, inclusive, or violation of the driving and parking rules in part 397, is a Class
17 1 misdemeanor.